

12cv10064

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DC

OCT 27 2014

Judge James F. Holderman  
United States District Court

October 23, 2014

Clerk of Court  
 U.S. District Court, Northern District of Illinois  
 Everett McKinley Dirksen United States Courthouse  
 219 South Dearborn Street  
 Chicago, IL 60604

Re: In Re Capital One Telephone Consumer Protection Act Litigation  
 Master Docket No. 1:12-cv-10064 (MDL No. 2416)  
Notice of Objection to Class Settlement

Dear Sir or Madam:

To the best of my recollection, I received more than one non-emergency, unsolicited call from Capital One (or on its behalf) during the period of time identified in the class notice. The purpose of this letter is to register my objection to the fairness, reasonableness, and adequacy of the proposed class action settlement for the following reasons:

1. Though they say this is the biggest part of the settlement, the notice doesn't specify or substantiate the actual improvements made to Capital One's phone system to prevent unwanted calls in the future.
2. The pro-rata distribution of funds described in the notice fails to distinguish claimants based on number of calls received. Those who received more automated calls over an extended period of time should be eligible to recover more than those who received only one call. As it stands, the settlement creates a conflict of interest between class members that actually favors those *least* affected by the calls.
3. Giving almost one-third of the settlement fund to attorneys is excessive and unreasonable under the circumstances. Among other things, there is no documentation of the hours and expenses devoted to this lawsuit. I also believe the courts normally award a much lower percentage when there's such a large fund.

I do not intend to come to the fairness hearing.

Sincerely,

Pamela McCoy  
 Pamela McCoy  
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